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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,253	08/24/2001	James M. Derderian	4830US (01-0106)	2189

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SALT LAKE CITY, UT 84110

EXAMINER

WILLIAMS, ALEXANDER O

ART UNIT	PAPER NUMBER
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2826

DATE MAILED: 02/28/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/939,253

Applicant(s)

DERDERIAN, JAMES M.

Examiner

Alexander O Williams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any extended patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 17-26, 31-33, 37-40 and 42-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-26, 31-33, 37-40 and 42-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

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Serial Number: 09/939253    Attorney's Docket #: 4830US(01-0106)

Filing Date: 8/24/01;

Applicant: Derderian

Examiner: Alexander Williams

Applicant's Amendment in Paper # 13, filed 12/9/02, has been acknowledged .  
The claims being examined are claims 1 to 13, 17-26, 31 to 33, 37 to 40 and 42 to 44

This application contains claims 14 to 16, 27 to 30, 34 to 36, 41 and 48 to 67  
drawn to an invention non-elected without traverse in Paper No. 11.

This application contains claims 68 to 102 drawn to an invention non-elected with  
traverse in Paper No. 9.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102  
that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the  
United States before the invention thereof by the applicant for patent, or on an international application  
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this  
title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Claims 1 to 13, 17 to 26, 31 to 33, 37 to 40 and 42 to 44 are rejected under 35  
U.S.C. § 102(e) as being anticipated by Mueller et al. (U.S. Patent # 6,316,786 B1).

For example, in claim 1, Mueller et al. (figures 1A to 4) specifically figure 1B  
show a semiconductor device **10** for use in a stacked multi-chip assembly **11,16**,  
comprising: a semiconductor die **16**; and a spacer layer **13,15,12,14** comprising  
dielectric material formed on at least a portion of a surface of said semiconductor die  
and protruding therefrom substantially a predetermined distance that said  
semiconductor die and an adjacent semiconductor die of said stacked multi-chip  
assembly are to be spaced apart from one another, said spacer layer including voids  
communicating with a lateral periphery thereof.

For example, in claim 19, Mueller et al. (figures 1A to 4) specifically figure 1B show a semiconductor device assembly **10**, comprising: a first semiconductor device **11**; a nonconfluent spacer layer **12-14** comprising dielectric material and being positioned on a surface of said first semiconductor device, a second semiconductor device **16** positioned over said first semiconductor device, a surface of said second semiconductor device being adhered to said nonconfluent spacer layer.

Claims 1 to 13, 17 and 18 are rejected under 35 U.S.C. § 102(e) as being anticipated by Chang et al. (U.S. Patent # 2002/0070463 A1).

For example, in claim 1, Chang et al. (figures 1 to 10) specifically 1 show a semiconductor device for use in a stacked multi-chip assembly, comprising: a semiconductor die **30**; and a spacer layer **32,36** comprising dielectric material formed on at least a portion of a surface of said semiconductor die and protruding therefrom substantially a predetermined distance that said semiconductor die and an adjacent semiconductor die of said stacked multi-chip assembly are to be spaced apart from one another, said spacer layer including voids communicating with a lateral periphery thereof.

## Response

Applicant's arguments filed 12/9/02 have been fully considered, but are moot in view of the new grounds of rejections detailed above.

The insertion of Applicant's additional claimed language, for example, "in claims 1 and 19" cause for further search and consideration to make this action final.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

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STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

The listed references are cited as of interest to this application, but not applied at this time.

Field of Search	Date
U.S. Class and subclass: 257/686,685,777,778,784-787,734,737,738,723,730,773	9/9/02 2/22/03
Other Documentation: foreign patents and literature in 257/686,685,777,778,784-787,734,737,738,723,730,773	9/9/02 2/22/03
Electronic data base(s): U.S. Patents EAST	9/9/02 2/22/03

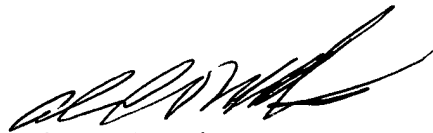
***Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via the Technology Center 2800 Fax center located in Crystal Plaza 4-5B15. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center 2800 Fax Center number is (703) 308-7722 or 24. Only Papers related to Technology Center 2800 APPLICATIONS SHOULD BE FAXED to the GROUP 2800 FAX CENTER.***

Any inquiry concerning this communication or any earlier communication from the examiner should be directed to ***Examiner Alexander Williams*** whose telephone number is **(703) 308-4863**.

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Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center 2800 receptionist** whose telephone number is **(703) 308-0956**.

2/22/03

A handwritten signature in black ink, appearing to read 'Alexander O. Williams', with a stylized, flowing script.

Primary Examiner  
Alexander O. Williams